

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

-against-

CHERIE VAN HUSE, MD,

Defendant.

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STIPULATION AND ORDER
OF SETTLEMENT

Civil Action No.
CV-09-2408

(Ross, J.)
(Levy, M.J.)

WHEREAS, the defendant Cherie Van Huse, MD ("Van Huse" or "defendant") applied for and received from a private lender several Health Education and Assistance Loans ("HEALs") which were consolidated into a single HEAL Relief Account Loan; and

WHEREAS, on or about April 17, 1995, the defendant signed a promissory note in which she agreed to repay the loan plus interest; and

WHEREAS, the HEALs were insured by the federal government; and

WHEREAS, the United States is the assignee of the promissory note and purchased the claim from the original claim from the lender for \$206,321.00; and

WHEREAS, the defendant failed to fully repay the debt; and

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WHEREAS, the United States filed a complaint in the above-captioned case, on or about June 5, 2009, demanding the repayment of \$441,923.29, plus interest and penalties; and

WHEREAS, as of December 20, 2010, the defendant has made payments totaling \$12,636.45 toward the repayment of the loan; and

WHEREAS, as of December 20, 2010, the outstanding balance owing on the debt is \$485,439.20, with interest continuing to accrue; and

WHEREAS, the United States and the defendant wish to resolve this matter in an expeditious and orderly fashion,

IT IS HEREBY STIPULATED AND AGREED, by and between the plaintiff and the defendant, by and through their respective undersigned counsel, that the above-captioned action be settled and compromised on the following terms and conditions:

1. The defendant agrees to pay to the United States the sum of \$100,000, as follows:

- a. A payment in the amount of \$60,000, on or before April 15, 2011; and
- b. A payment in the amount of \$40,000, on or before July 15, 2011.

✓2. The defendant further agrees to sign a consent judgment acknowledging that, as of December 20, 2010, she is indebted to the United States in the amount of \$485,439.20, plus interest, at the legal post-judgment rate in effect on the date

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the Stipulation and Order is entered by the Court, and that she has no defense, counterclaim or offset thereto, and does hereby confess judgment to the United States as a result of her failure to pay a debt owed to the United States in connection with a consolidated Health Education Assistance Loan ("HEAL"), as alleged in the complaint.

3. The United States agrees to hold said consent judgment in escrow and not to submit same to the court to be "so ordered" provided both of the payments are made in accordance with paragraph 1, above.

4. In consideration thereof, the United States agrees to accept the sum of \$100,000.00 to compromise the amount of the debt, as described herein, if paid in accordance with paragraph 1 above.

✓ 5. On or about January 2012 and after compliance with the terms set forth in paragraphs 1 and 2, above, the United States will issue a Form 1099-C: Cancellation of Debt in the amount of \$93,684.55, that is, the amount the United State paid for the claim less all payments made by the defendant toward the debt.

6. In the event of a default by the defendant on her her obligations under paragraphs 1 and 2, above, and said default remaining uncured for twenty (20) days after notice sent to defendant by the United State in the manner provided in this

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paragraph, the United States shall have the right, at its sole option and discretion to submit the Consent Judgment to the Court to be "So Ordered" and entered on the docket sheet and to declare due and owing the entire amount of the confessed judgment, as set forth in paragraph 2, above, together with interest. The United States shall give written notice of such default, and of its declaration of the same, by certified mail return receipt requested, to defendant, in care of her attorney, Adam Sattler, Esq., Ebanks & Sattler, LLP, Attorneys at Law, 20 Vesey Street, Suite 503, New York, NY 10007. Defendants shall have twenty (20) days from the date of mailing the notice of default in which to cure such default. In the event the default remains uncured after expiration of the twenty (20) days from the date of mailing of the notice, plaintiffs shall have the right of execution upon the Consent Judgment for the entire amount acknowledged in paragraph 2 above.

7. Defendant shall notify the United States within five business days, by certified mail, of any change in their residence, or in the event of any substitution of counsel.

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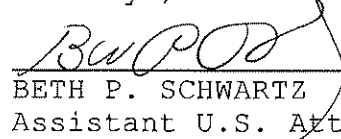
7. Upon full and final payment by the defendants of the total sum of \$100,000.00 in the form of a certified check payable to the Department of Justice, the United States will file a Stipulation of Dismissal.

Dated: Brooklyn, New York
~~January~~ 23, 2011

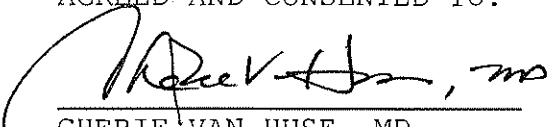
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By:



BETH P. SCHWARTZ
Assistant U.S. Attorney
(718) 254-6017

AGREED AND CONSENTED TO:


CHERIE VAN HUSE, MD
Defendant

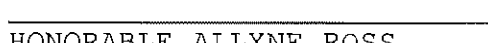
EBANKS & SATTLER, LLP
Attorney for Defendant
20 Vesey Street, Suite 503
New York, New York 10017

By:


ADAM SATTLER, ESQ.
(212) 766-4411

IT IS SO ORDERED:

Dated: Brooklyn, New York
2011


HONORABLE ALLYNE ROSS
U.S. District Court Judge